

### **REMARKS**

In response to the above identified Office Action, the Applicant amends claims 1, 18, 35 and 53. The Applicant does not add or cancel any claims. Accordingly, claims 1-53 remain pending in the application.

#### **I. Examiner Interview Summary**

The Applicant's attorney participated in an interview with the Examiner on July 9, 2008. The current §101 and §112 rejections were discussed. The Examiner indicated that claims 1-41 and 53 would be allowable if they were amended to be tied to a statutory class. However, no specific amendments were agreed to.

#### **II. Amendments to the Specification**

The Applicant amends the specification to satisfy the written description requirement. Support for the amendments can be found in figures 4 and 5 and the originally filed claims 42-50, as well as in the specification at page 6, line 13 – page 8, line 8, which describes the implementation of these processes by a purchase coordinator computer.

#### **III. Claims Rejected Under 35 U.S.C. § 101**

Claims 1-41 and 53 stand rejected under 35 U.S.C. § 101 as allegedly being directed non-statutory subject matter. The Patent Office alleges that the claims are directed non-statutory subject matter "since mental processes standing alone are not patentable, even if they have practical applications, since claims at issue do not require use of machine, and they do not describe process of manufacture or process for alteration of composition of matter, and since claims instead cover use of mental processes to process a monetary transaction among manufactures and retailers, and thus seek the patent use of human intelligence in and of itself." See page 4 of the Office action. The Applicant has amended the independent claims in an effort to tie the method process to a computer implementation. The Applicant requests that if the

rejections are maintained that the Office clarify the requirements for tying the aspects of the method to what the office considers to be a statutory category. Accordingly, reconsideration and withdrawal of the non-statutory matter rejection of claims 1, 18, 35 and 53 are requested.

Claims 2-17, 19-34 and 36-41 depend from independent claims 1, 18 and 35 and therefore incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to the independent claims, the Applicant believes that these claims are also directed to statutory subject matter. Accordingly, reconsideration and withdrawal of the non-statutory subject matter rejection of these claims are also requested.

### **III. Claims Rejected Under 35 U.S.C. § 112**

Claims 42-52 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Patent Office acknowledges that the specification provides inherent support for the elements of these claims and acknowledges that, at the time the application was filed, the Applicant had possession of the claimed invention. The Patent Office has taken the position that the phrase "machine readable medium having stored thereon instructions which were executed by process or caused the machine to perform operations" lacks written correspondence in the specification. The Applicant has amended the specification as set forth above in the amendments to the specification section in an effort to address this issue by adding corresponding language to the specification. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the §112, first paragraph, rejections of claims 42-52.

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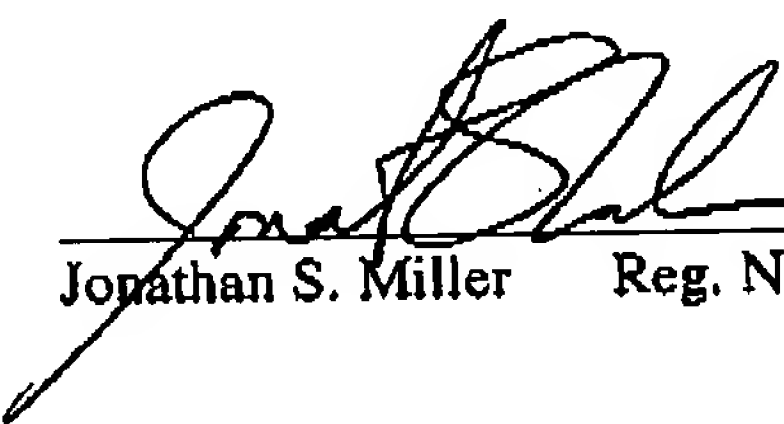
**CONCLUSION**

In view of the foregoing, it is believed that all claims now patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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I hereby certify that this paper is being transmitted via facsimile to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 9-2-08.

  
Melissa Stead